

Serial No. 09/938,364



Docket No. ETH-1595

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Murty Vyakarnam, et al.  
Serial No. : 09/938,364  
Filed : August 8, 2001  
Title : FOAM COMPOSITE FOR THE REPAIR OR REGENERATION OF  
TISSUE  
Art Unit : N.A.  
Examiner : N.A.

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner of Patents, Washington, D.C. 20231 on

November 14, 2001

(Date of Deposit)

H. B. Woodrow

(Name of applicant, assignee, or Registered Representative)

*H. B. Woodrow*

(Signature)

November 14, 2001

(Date of Signature)

Honorable Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

**PETITION REGARDING NOTICE OF INCOMPLETE NON-PROVISIONAL  
APPLICATION UNDER 37 CFR 1.53(a)**

In response to the "Notice of Incomplete Nonprovisional Application,"  
Applicant hereby petitions, through his attorney, that the drawings and the  
Declaration and Power of Attorney were, in fact, deposited in the U.S. Patent And  
Trademark Office as part of the application filed on August 24, 2001, Serial  
No. 09/938,364, and accordingly request that the application be afforded the filing  
date of August 24, 2001.

The facts and circumstances surrounding applicant's petition are as follows:

1. A copy of the returned post card is attached. This postcard lists 15 sheets  
of Drawings and the Declaration and Power of Attorney as being included  
in the application filed on August 24, 2001.
2. This application was filed via express mail on August 24, 2001. This  
express mailing included the Drawings and the Declaration and Power of

attorney. An affidavit from Ms. Karen Hall-Morgan, Patent Paralegal for Johnson and Johnson, is attached.

Notwithstanding the above, attached hereto are additional formal Drawings in the way of bristol boards, including triplicate color photos, and a copy of the executed Declaration and Power of Attorney originally filed with this application. Applicants also are filing herewith a petition to accept both black and white and color photographs under 37 C.F.R. 1.84 (b).

Applicant requests that this Petition be granted and that the attached copy of the Declaration and Power of Attorney and the Drawings and Photographs be placed in the file wrapper as part of the application filed on August 24, 2001, Serial No. 08/938,364.

Should this petition be granted, applicants respectfully submit that the fee as set forth in 37 C.F.R. 1.17(i) should be waived. However, in the event of non-payment or improper payment, the Commissioner is authorized to charge any additional fees which may be required in connection with the filing of this communication, or credit any overpayment, to Account No. 10-0750/ETH1595/WKW.

If there are still any unresolved issues, please feel free to contact the undersigned at (732) 524-6201.

Respectfully submitted,

*H. B. Woodrow*

H. B. Woodrow  
Reg. No. 35,501  
Attorney for Applicant

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-6201